

E-filed 6/12/07

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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|-----------------------|---|-----------------------|
| FREDERICK L. JOHNSON, |) | No. C 03-0274 JF (PR) |
| Petitioner, |) | |
| vs. |) | ORDER GRANTING |
| A.K. SCRIBNER, |) | FURTHER EXTENSION OF |
| Respondent. |) | TIME TO FILE TRAVERSE |
| |) | |
| |) | (Docket No. 34) |

Petitioner, a state prisoner proceeding pro se, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Court denied Petitioner's motion to proceed in forma pauperis, ordered Petitioner to pay the filing fee, and granted Petitioner's motion to file an amended petition. Petitioner filed an amended petition in September 2003. Thereafter, the Court dismissed the instant habeas action without prejudice for Petitioner's failure to pay the filing fee. On January 4, 2005, the Court granted Petitioner an extension of time to file a motion for reconsideration. On January 18, 2005, Petitioner filed his motion for reconsideration. The Court granted Petitioner's motion for reconsideration, vacated the judgment and reopened the instant action on September 16, 2005. The Court ordered Respondent to show cause as to why the amended petition should not be granted. Respondent filed an answer addressing the merits of the petition.

1 Petitioner filed a motion for appointment of counsel and a motion for an extension of time
2 to file a traverse. On January 10, 2007, the Court denied Petitioner's motion for
3 appointment of counsel and granted Petitioner's motion for an extension of time to file his
4 traverse. The Court directed Petitioner to file his traverse within thirty days. On
5 February 20, 2007, Petitioner filed a second request for extension of time to file a
6 traverse, which was docketed as a traverse (see docket no. 33). On March 19, 2007,
7 Petitioner filed a third motion for extension of time to file his traverse. On May 21, 2007,
8 the Court granted Petitioner's motion for extension of time to file a traverse and noted
9 that the February 20, 2007 traverse was timely filed. However, the Court mistakenly
10 believed Petitioner had filed a traverse on February 20, 2007, based upon the Court's
11 docket.

12 Accordingly, the Court GRANTS Petitioner a further extension of time to file a
13 traverse. Petitioner shall file his traverse, and serve a copy on Respondent, **within thirty**
14 **days** of the date this order is filed. The matter shall be submitted on the date the traverse
15 is due. The Court will then review the merits of the petition in a separate written order.

16 It is Petitioner's responsibility to prosecute this case. Petitioner is reminded that
17 all communications with the Court must be served on respondent by mailing a true copy
18 of the document to Respondent's counsel. Petitioner must keep the Court and all parties
19 informed of any change of address by filing a separate paper captioned "Notice of Change
20 of Address." He must comply with the Court's orders in a timely fashion. Failure to do
21 so may result in the dismissal of this action for failure to prosecute pursuant to Federal
22 Rule of Civil Procedure 41(b).

23 IT IS SO ORDERED.

24 DATED: 6/11/07


JEREMY FOGEL
United States District Judge

1 A copy of this order was mailed to the following:

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